

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY YORDY,

Plaintiff,

v.

PLIMUS, INC.,

Defendant.

No. C12-0229 TEH

ORDER RE: PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL

In connection with her renewed motion for class certification, Plaintiff Kimberly Yordy ("Yordy") filed an unopposed administrative motion to file documents under seal pursuant to Civil Local Rules 7-11 and 79-5. In support of her motion, Yordy stated that the documents submitted had been designated as "Confidential" by Defendant Plimus, Inc. ("Plimus") pursuant to the parties' stipulated protective order. Plimus failed to comply with Civil Local Rule 79-5(e)(1), which required it to file a declaration "establishing that all of the designated material is sealable."


Upon careful review, the Court has concerns about whether the documents designated as "Confidential" by Plimus should be sealed in their entirety. Civil Local Rule 79-5(b) defines sealable material as that which is "privileged, protectable as a trade secret or otherwise entitled to protection under the law." Likewise, Federal Rule of Civil Procedure 26(c) protects any "trade secret or other confidential research, development, or commercial information." Copies of e-mails that were sent to or received by Plimus from outside companies do not appear to qualify as protectable trade secrets or otherwise protectable confidential information. Similarly, the Court is doubtful that consumer complaints, deposition transcripts that include testimony merely identifying names and

1 titles of Plimus employees, and Plimus's objections to Yordy's interrogatories should be  
2 sealed in their entirety, if at all.

3 Accordingly, IT IS HEREBY ORDERED that the parties shall meet and confer  
4 regarding which parts, if any, of Exhibits 3-5, 7, 8, 10-12, 14-34, 38-47, and 49 to the  
5 Declaration of Benjamin H. Richman, and any references thereto, warrant sealing. The  
6 parties shall file a renewed joint administrative motion to file documents under seal on or  
7 before **December 13, 2013**. The motion shall be supported by declarations by Plimus that  
8 establish the sealability of any material sought to be filed under seal. The parties are  
9 reminded that any request to file material under seal "must be narrowly tailored to seek  
10 sealing only of sealable material." Civil L.R. 79-5(b).

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12 **IT IS SO ORDERED.**

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14 Dated: 12/03/13

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17 THELTON E. HENDERSON, JUDGE  
18 UNITED STATES DISTRICT COURT  
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